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March 25, 22005

Ms. Marlene Dortch, Esq.
Secretary
Federal Communications Commission
445 12th St. SW
Washington DC 20554

**Re: WT Docket 05-7; Petition for Declaratory Ruling that OET-69
is Acceptable to Demonstrate Compliance with (CFR 47) Section
27.6**

Ms. Dortch;

In these Reply Comments, the National Public Safety Telecommunications Council (NPSTC) is expressing their support for Qualcomm's position in the above proceeding. We further urge that the Commission extend the Declaratory Ruling to include acceptance compliance with Part 90 Rules regarding interference to broadcast television services from 700 MHz public safety operations. NPSTC and public safety have long¹ supported actions such as these, actions that would introduce a streamlined process for public safety in order to gain access to desperately-needed spectrum in areas that would not cause significant interference to broadcast television reception.

Formed on May 1, 1997, NPSTC is a federation of associations representing public safety telecommunications. NPSTC was originally formed to encourage and facilitate implementation of the findings and recommendations of the Public Safety Wireless Advisory Committee (PSWAC), established in 1994 by the Federal Communications Commission (FCC) and National Telecommunications and Information Administration (NTIA) to evaluate the wireless communications needs of local, tribal, State, and Federal public safety agencies through the year 2010, identify problems, and recommend possible solutions.

NPSTC feel that a declaratory ruling is warranted in this case, and that the interference calculation procedures contained in OET-69 are acceptable to demonstrate compliance with TV/DTV interference protection criteria within both Section 27.60 and Section 90.545 of the FCC rules. NPSTC also feels that in this ruling, the de minimis standard set forth in Section 73.623(c)(2) is the appropriate standard for measuring acceptable interference. NPSTC also feels that the

additional detail specified within OET-69-based showings allow for a more realistic assessment of interference effects - as opposed to the conservative estimates currently specified in the rules.

A declaratory ruling in this matter would establish a streamlined processing procedure for OET-69 showings, and allow for guidelines in the preparation of non-interference showings. Further, it will unburden the FCC from allotting dedicated resources to the ever expanding number of waivers that are being filed (and granted) by license applicants. To date these have been Part 27 applicants, but the Commission should expect to see a large number of Part 90 requests in the near future as well.

Finally, NPSTC must note that although a streamlined process is highly desirable, the FCC must also remain dedicated to continuing with the DTV transition, and pressing for a date-certain at which analog operations must cease.

Sincerely,

Marilyn Ward

Chair – National Public Safety telecommunications Council

¹For example: NPSTC and PSWN (filed separately) May 18, 2003 Reply Comments in support of New York State Office for Technology Comments; *In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television; Public Interest Obligations of TV Broadcast Licensees Children's Television Obligations of Digital Television Broadcasters; Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*; MB Docket No. 03-15, RM 9832, MM Docket No. 99-360, MM Docket No. 00-167, MM Docket No. 00-168